

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/24/2020

HIMELDA MENDEZ,
and on behalf of all other persons similarly situated,

Plaintiffs,

-v-

ANN INC. D/B/A LOFT,

Defendant.

19-cv-10623 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court has before it several motions to dismiss in cases alleging violations of the Americans with Disabilities Act for the failure of businesses to accommodate legally blind individuals in the purveyance of gift cards. Similar motions to dismiss raising the same arguments as are raised in the motions before this Court are currently pending on appeal before the Second Circuit in the following cases: *Dominguez v. Banana Republic, LLC*, 20-1559 and *Murphy v. Kohl's Corp.*, 20-1608.

Accordingly, IT IS HEREBY ORDERED that the motion to dismiss (Dkt. No. 19) in this case is DENIED WITHOUT PREJUDICE to renewal after a decision by the Second Circuit in either *Dominguez* or *Murphy*:

IT IS FURTHER ORDERED that all proceedings in this case are STAYED pending a decision in either *Dominguez* or *Murphy*.

SO ORDERED.

Dated: June 24, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge